

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Sandra D. Miles,

Plaintiff,

v.

**Jo Anne Barnhart,
Commissioner of Social Security,**

Defendant.

C/A No. 6:04-1633-CMC-WMC

OPINION AND ORDER

This matter is before the court for review of the Report and Recommendation of the Magistrate Judge made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rules 73.02(B)(2)(a). Plaintiff applied for disability insurance benefits with the Commissioner of Social Security. The application was denied and the denial was upheld by the Appeals Council. Plaintiff then filed this action with the district court.

United States Magistrate Judge William M. Catoe, to whom this matter was referred, has filed his Report recommending that the decision of the Commissioner be **remanded** to the Commissioner for further proceedings as set forth in the Report and Recommendation. No objections to the Report and Recommendation have been filed and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976).

After reviewing the record, the applicable law, the briefs of counsel and the findings and recommendations of the Magistrate Judge, the court hereby adopts the Report and Recommendation of the Magistrate Judge and incorporates the Report and Recommendation into this order.

Therefore, this case *is remanded* to the Commissioner for further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 27, 2005

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